IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.Rev.Pet.No. 315 of 2007(E)

CRA.136/2000 of ADDL.SESSIONS COURT (ADHOC), KASARAGOD
CC.91/1998 of CHIEF JUDICIAL MAGISTRATE, KASARAGOD

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REVN. PETITIONER: ACCUSED

KUNHIRAMAN, S/O.NANDINI AMMA,
RESIDING AT MUTHALAKUNDU HOUSE,
POST KOLATHUR, KARICHERRY, KASARAGOD DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS: COMPLAINANT & STATE

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1. K.RAGHAVAN NAIR, S/O.KUMARN NAIR,
RESIDING AT KOROTHMOOLA, PADY VILLAGE,
KASARAGOD DISTRICT.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.A.C.SUKUMARAN
PUBLIC PROSECUTOR (SRI. C.K.SURESH)

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No. 315 of 2007

Dated this the 23rd day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C No. 91 of 1998 on the file of the Chief Judicial Magistrate Court, Kasaragod. Firsts respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of three months under section 138 of the Negotiable Instruments Act and to pay a fine of Rs. 46,000/-. In appeal filed by him, the conviction and sentence were confirmed by the Addl. Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.967 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.967 of 2007 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**